

31 Am. Bus. L.J. 641 February, 1994 CALL UP SOMEONE AND JUST SAY
'BUY' - TELEMARKETING AND THE REGULATORY ENVIRONMENT Rita
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“Industry members need to work with consumer groups and regulators to promote compliance and consumer education. In this way, telemarketers will not waste resources delivering unwelcome messages and only consumers who want to receive these commercial calls will.”

Although "a man's home is his castle," the Supreme Court has been willing to permit limited intrusions into that fortress for the sake of free speech, especially when the speaker espouses a political, social or economic message.

“Commercial speech protection under the First Amendment has been a contentious issue...Because fraud was an inherent risk in commercial transactions, the government has an inherent interest in regulating commercial speech to prevent advertising messages from falsehood, deception and coerciveness. This interest in preventing fraud would permit regulation of commercial speech that might not be permissible for non-commercial speech.